

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

United States Courts  
Southern District of Texas  
FILED

APR 10 2018

KENNETH TAYLOR  
TPCS-CID No. 828757

VS.

BRYAN COLLIER et al  
Defendant

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§

CIVIL ACTION NO. 3:17-CV-00358

David J. Bradley, Clerk of Court

Declaration in support of Plaintiff's  
Motion For Pretrial Summary Judgement

I Kenneth Taylor States:

- 1) I am the Plaintiff in this case. The complaint alleges that the defendants deliberate indifference to the Plaintiffs safety by subjecting him and other inmates to dangerously hot temperatures. I submit this declaration in support of my Motion for Pretrial Summary Judgement on my claims.
- 2) I am an Inmate at the C. T. Terrell Unit. I was to C. T. Terrell in January 2017 from the Wallace Pack Unit in Navasota, Texas because of a health issue so I could be as close to UTMB as possible do to my high risk of stroke
- 3) When it started getting hot I informed wardens Jone and Miller that they were in violation of the Extrem heat policy and the on going litigation at Pack unit.
- 4) They showed their deliberate indifference by refusing to respond to any of I-60 (Prison Request Forms) or collecting any of the issues.
- 5) When defendants refuse repeated requests about the violations I filed a step one grievance on 7/10/17.

6) This step one Grievance outlined the violation being made: (1) There is not enough fans on each dorm; (2) Enough ventilation and air circulation in the chow-halls where the temperature will cause 108°-120° F at times; (3) not enough ventilation and air circulation in the Shower area, laundry, Cannery; or FYM; (4) The Ice cooler is not kept full all day and night; (5) there are no cool-down Shower Program; (6) The respite Program is a Joke [in most cases we can't even get to it and when we do there is no place to sit].

7) During hurricane Harvey we went without power for more than 24hr before being moved to other units to house us on Floors. The C.T. Terrell's Emergency Power does not run "any" of the ventilation or fans in the living areas.

8) When we returned to C.T. Terrell after being gone for around 3 weeks, I got a rubber stamped grievance. I filed step two grievance relating to the heat issues.

9) On November 20, 2017 I filed my complaint in the U.S. District Court.

10) On December 22, 2017 the Judge Hanks Jr. ordered the defendants to answer the Plaintiff claims.

11) On January 31, 2018 Counsel for the defendants made a basic denial to the claims, but failed to comply with the court's order totally. It was quite clear in the wording of the order that defendants were to respond to each and every ~~claim~~ claim factually and legally, but they have not!

12) The plaintiff made a basic response and objection on 2/16/18 to defendants response.

- 13) Plaintiff was given initial disclosure on 3/2/18. It did not have any of the information about TDCJ's written policies or rules relevant to the summer time heat, (extreme heat).
- 14) On 3/8/18 Plaintiff filed "Notice of Disclosure" to the defendants. Plaintiff tells counsel for the defendants that TDCJ is in control and custody of all the Plaintiff's evidence. (TDCJ Records & the findings from the Pack Law suit will be what are used).
- 15) On 3/28/18 Plaintiff starts preparation for Summary Judgment against the defendants for the following reasons: (1) the defendants failed to comply with all the stipulations in the court's order to ~~answer~~ answer (there has been no factual or legal response to any the claims against them); (2) The defendants have not followed the disclosure requirements set by the court, they have failed to disclose ~~the~~ (the written policies and rules involving extreme heat). (3) There has been no records of C.T. Terrell Compliance to those rules.
- 16) The Plaintiff is basing this claim to his personal knowledge and experience of being housed at the Wallace Pack unit from 8/5/14 through Jan 13, 2017. I was present on the Pack unit through most all of the litigation in Judge Ellison's court room (4:14-CV-1698). I seen first hand how the parties in that case worked through the same issue that are at hand here on C.T. Terrell unit.
- 17) Since the Pack unit's ruling in Judge Ellison's court room, there has not been any steps to bring C.T. Terrell in to compliance in any way with of the change made there. (C.T. Terrell & Wallace Pack are the same style unit. They house the same kind of inmate, "Medical").

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date 03/31/18 Signature [Signature]